

AN ORDINANCE

**97547**

**APPROVING FIELD ALTERATION NO. 10 IN THE AMOUNT OF \$60,175.04 TO THE CONTRACT WITH AFFIRMED GENERAL CONTRACTING, INC. IN CONNECTION WITH THE ST. MARY'S STREET PARKING GARAGE PROJECT, LOCATED IN COUNCIL DISTRICT 1; AND AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO ACCEPT AND EXECUTE A SETTLEMENT AGREEMENT REGARDING PAYMENT TO THE CITY IN THE AMOUNT OF \$250,000.00 FOR DELIVERY OF THE COMPLETED PROJECT; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.**

\* \* \* \* \*

**WHEREAS**, Ordinance No. 92178 passed and approved on July 27, 2000 awarded a construction contract to **Affirmed General Contracting, Inc.** ("Affirmed") in the amount of \$8,560,000.00 base bid, \$82,800.00 for Alternate No. 1, and \$112,000.00 for Alternate No. 2, for the construction of the St. Mary's Street Parking Garage Project located at 400 N. St. Mary's Street in Council District 1, and \$400,000.00 for miscellaneous construction contingency expenses; and

**WHEREAS**, the project consisted of construction of a six story parking garage for approximately 700 cars, 12,128 square feet for retail and office lease space with two lobbies, and associated mechanical and electrical space in the building; and

**WHEREAS**, the City took possession of the project on or about March 22, 2002; and

**WHEREAS**, Field Alteration No. 10 provides for the final adjustment between the base contract and the construction cost for the project, taking into account a revised scope of work; and

**WHEREAS**, the City retained funds from each payment to Affirmed; and

**WHEREAS**, the City and Affirmed asserted claims to the retained funds; and

**WHEREAS**, it has been agreed the City shall retain \$250,000.00 of the said funds and the City and Affirmed shall enter into a settlement agreement; **NOW THEREFORE**,

**IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The City Manager or her designee is hereby authorized to execute Field Alteration No. 10 in the amount of \$60,175.00 as a decrease in the amount of the contract with **Affirmed General Contracting, Inc.** Said contract was approved on July 27, 2000 pursuant to Ordinance No. 92178 in connection with the St. Mary's Street Garage Project. A copy of Field Alteration No. 10 is attached hereto and incorporated herein for all purposes, as **Attachment I**.

**SECTION 2.** The City Manager or her designee is hereby authorized to execute a Compromise, Settlement and Release Agreement with regard to the retained funds for the project. The Compromise, Settlement and Release Agreement shall be executed within 60 days of the effective date of this ordinance and in substantially the form of **Attachment II** incorporated herein for all purposes or with changes as are approved by the City Attorney.

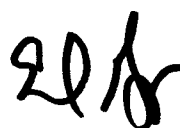
**SECTION 3.** The budget in Fund No. 53-013002 (Parking Fund-St. Mary's Street Parking Garage Construction) is hereby authorized to be reduced in Index Code 627174 entitled "Construction Contr: Affirmed Gen Contracting" by \$60,175.04.

**SECTION 4.** The budget in Fund No. 53-013002 in Index Code 627182 entitled "Construction Contg: Affirmed Gen Contracting" is hereby authorized to be increased by \$60,175.04 and funds in that amount are authorized to be encumbered and made payable to a contingent vendor in connection with the construction of St. Mary's Street Parking Garage.

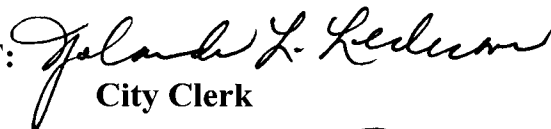
**SECTION 5.** The financial allocations in this Ordinance are subject to approval by the interim Director of Finance, City of San Antonio. The interim Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and fund numbers as necessary to carry out the purpose of this Ordinance.

**SECTION 6.** This ordinance shall take effect on the 11th day of May 2003.

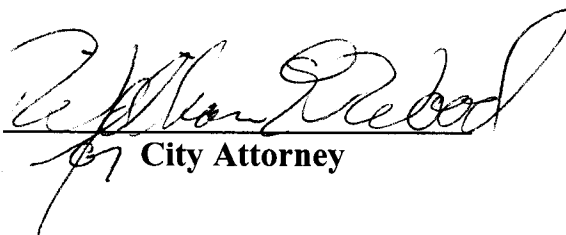
**PASSED AND APPROVED** this 1st day of May, 2003.



M A Y O R  
EDWARD D. GARZA

ATTEST:   
City Clerk

APPROVED AS TO FORM:

  
City Attorney